

REMARKS

Claims 1-17 are pending in the present application. Claims 1, 2 and 8-17 are withdrawn due to a restriction requirement. The requirement having been made final, claims 1, 2 and 8-17 are canceled herein. Applicants reserve the right to pursue the subject matter of all canceled subject matter in a later-filed divisional or continuing application.

The Examiner has checked box 11 in the Office Action Summary indicating an objection to the inventor's declaration. No form PTO-152 is attached, however, nor is any explanation provided. Previous communications had not indicated any objections to the inventor's declaration. Therefore, Applicants request the Office provide an explanation of the objection or withdraw the objection to the inventor's declaration.


Claim 7 is objected to for beginning with the word "A." Applicants have canceled this claim, rendering the objection moot. Applicants therefore request that this objection be withdrawn. Claims 4 and 7 are rejected as being substantial duplicates of claim 3, and claims 3, 4 and 7 also are objected to because they are all duplicates. Applicants have canceled claims 3 and 7 herein and submit that the objection is overcome. Applicants request allowance of claim 4.

Claims 5 and 6 are rejected as not enabled under 35 U.S.C. § 112, first paragraph. The reason given is that the claims are so broad that they encompass a subunit of the AHL-acylase encoded by SEQ ID NO:1, and that the claims encompass an "extremely large number of compositions" which are assertedly not enabled. Applicants submit that the claims do not encompass "any subunit of a polypeptide which inactivates AHL" because each claim recites a specific sequence intended to be claimed. The claims have been amended to replace the term "comprising" with "which is." Because the precise sequence of the peptidic sequence which is claimed is provided, there should be no doubt that the person of skill could make the claimed subject matter and use it, including compositions that comprise the specific sequences. It is not required under the statute or by the claims or specification that each sequence necessarily have AHL inactivating activity alone. The person of skill using the guidance of the specification would be able to use each of the subunits claimed, or compositions comprising them, for example together with the other subunit. The claims do not require activity for the subunits individually, and the statute does not require that the subunits be useful in exactly the same way as their combination. To say the use of the subunits of an invention is not enabled only because each may not have the same

use alone as the two do together is not proper. The person of skill would know that the subunits at least can be used together, particularly in light of the specification, which describes the α and β subunits of QsbA and their use together. Therefore, Applicants submit that the claims are fully enabled under the statute and that the person of skill would easily be able to make and use the claimed peptidic sequences. There would be no need to experiment or determine the biological characteristics of any sequence since the sequences are provided, and at least one use of the individual subunits is fully supported and enabled by the specification. That is all the statute requires. Applicants request reconsideration and withdrawal of this rejection.

New claim 18 is added to claim an isolated peptide of SEQ ID NO:2. This claim is based on claim 4, which is considered allowable, but omits the language concerning a composition of matter which was objected to in claims 5-6. Therefore no new matter has been added. New claims 19-20 also are added to claim isolated peptides as recited. No new matter is added. The Office may refer to Table II for the sequence of SEQ ID NO:2 and the accompanying text in, for example, paragraph 28 for support. Applicants request consideration and allowance of these claims.

Applicants acknowledge the Office's statement that claims 3-4 and 7 are allowable and request allowance of all the claims as amended at this time.

RESPECTFULLY SUBMITTED,					
NAME AND REG. NUMBER	Martha Cassidy Reg. No. 44,066				
SIGNATURE				DATE	February 23, 2006
Address	Rothwell, Figg, Ernst & Manbeck 1425 K Street, N.W., Suite 800				
City	Washington	State	D.C.	Zip Code	20005
Country	U.S.A.	Telephone	202-783-6040	Fax	202-783-6031